

DEC 05 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:) Examiner: Naresh VIG
Sudeth KUMATH et al.) Art Unit: 3629
Serial No.: 09/833,034) Confirmation No.: 8354
Filed: April 10, 2001) Customer No.: 53156
For: METHODS, DEVICES AND SYSTEMS FOR ONLINE EXPRESS ORDERING OF GOODS AND SERVICES) Total Pages: 2
Atty. Docket No.: ORCL5665CIP) <u>CONFIRMATION OF WITHDRAWAL OF FINAL OFFICE ACTION AND REQUEST FOR NEW OFFICE ACTION</u>

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this paper and the papers referred to herein are being transmitted by facsimile to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, fax no. 571-273-8300, on December 5, 2005.


Mita J. Miller

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby confirm that they have been informed by the PTO that no response or extensions of time need to be filed in response to the final Office Action mailed June 3, 2005, as said final Office Action will be officially withdrawn in favor of a new Office Action and the period for response reset. Applicants hereby submit summaries of telephone messages, facsimiles, and telephone interviews conducted in connection with the above application in support thereof:

1. Telephone Interview with SPE John Weiss (October 18, 2005)

Following a discussion of the applied art and the protracted prosecution of this case, SPE Weiss stated he would instruct Examiner Vig to withdraw the final Office Action mailed June 3, 2005, and allow this case, following an updated search.

2. Voice-Mail Message for Examiner Vig (November 2, 2005)

Having received no further communication from the USPTO, the undersigned left a voice-mail message for Examiner Vig reiterating SPE Weiss' instructions and requesting status of the Notice of Allowance.

3. **Telephone Interview with Examiner Vig (November 3, 2005)**

Examiner Vig indicated that he would update his search within the next week and then decide whether or not to allow the case.

4. **Facsimile Received from Examiner Vig (November 3, 2005)**

Facsimile received containing four pages from Barnes & Noble Help Desk printed through www.archive.com with the archived date of November 9, 2000. Examiner Vig pointed to page 2, "How to Place an order Using Express Checkout" as teaching claimed bifurcated method.

5. **Voice-Mail Messages for Examiner Vig and SPE Weiss (November 3, 2005)**

The undersigned separately indicated to Examiner Vig and SPE Weiss that page 2 of the B&N reference states to shop and add items to shopping cart (including any gift wrapped items) and then only to select express checkout; and that, in B&N, the customer is not in the express checkout mode when he/she clicks on the gift wrapping selection.

6. **Telephone Interview with Examiner Vig (November 16, 2005)**

Examiner Vig indicated to the undersigned that applicants could either: i) file arguments addressing the B&N reference without amending the claims – and he would then likely issue a final Office Action; or ii) amend the claims and present arguments based upon the B&N reference and present the amended claims in an RCE.

7. **Telephone Interview with Examiner Vig (December 5, 2005)**

The undersigned called Examiner Vig to clarify the status of the final Office Action mailed June 3, 2005, and Examiner Vig stated that he will prepare an Interview Summary dated December 5, 2005, indicating that the period for response to the final Office Action will be reset and that he will issue a new Office Action applying the B&N reference to the claims. The Examiner further clarified that no response or extensions of time need be filed in response to the final Office Action mailed June 3, 2005.

Respectfully submitted,

Date: Dec 5, 2005

By: 

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